

**DECISION**



**THE COMPTROLLER GENERAL  
OF THE UNITED STATES**  
WASHINGTON, D. C. 20548

57046

FILE: B-184739

DATE: September 24, 1975

MATTER OF: Illinois Glove Company

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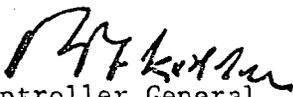
**DIGEST:**

Protest alleging bidder is not responsible due to lack of capacity is not for consideration since GAO has discontinued review of bid protests involving affirmative responsibility determinations except where fraud is alleged.

Illinois Glove Company (Illinois) protests the award of a contract to the Nationwide Glove Company under invitation for bids (IFB) No. DSA100-75-B-1097, issued by the Defense Personnel Support Center, Philadelphia, Pennsylvania, on the basis that Nationwide lacks the capacity to make deliveries required by the procurement. Essentially, Illinois questions the responsibility of Nationwide and its eligibility for contract award.

This Office has discontinued its review of protests involving an affirmative determination of responsibility, unless fraud is alleged on the part of the procuring officials. Central Metal Products, Inc., 54 Comp. Gen. 66 (1974); United Hatters, Cap and Millinery Workers International Union, 53 Comp. Gen. 931 (1974). The standards for responsible prospective contractors and the requirements for affirmative responsibility determinations essentially involve subjective judgments which are largely within the discretion of procuring officials.

Therefore, where the contracting officer finds the proposed contractor responsible, this affirmative responsibility determination should not be questioned by this Office. However, we will continue to consider protests against determinations of nonresponsibility to provide assurance against the arbitrary rejection of bids.

  
Deputy Comptroller General  
of the United States